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Randal D. Homburg



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Louis A. Morgan)
Filed: 10/16/2003) Group Art Unit: 3744
Serial No.: 10/687,049) Examiner: Filip Zec
For: **Apparatus for Delivering Carbonated Liquid at a Temperature Near
 or Below the Freezing Point of Water**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Office Action

Sir:

This Response is filed addressing the issues raised in the Office Action dated 3/11/2005 regarding the above-noted application for patent. The Applicant submits that, in light of the remarks below and the requested amendments to the application, the application is in proper condition for allowance. The Applicant respectfully requests the examiner allow the amendments to the specification and claims and allow the patent to proceed to issue.

REMARKS

Claims

The rejections to Claims 1-4 based upon 35 USC § 103 are noted. While not waiving any argument against such rejections, the Applicant will amend the claims to avoid the rejections by combining the limitations of Claim 5 with Claim 1, in amended Claim 5, and amend Claims 2-4 to depend from Amended Claim 5. This amendment was discussed with the Examiner by telephone on March 14, 2005.

Claims 5-9 were allowable if rewritten in independent form. However, Claim 5, rewritten as an independent claim will now provide the amended reference to dependent claims 6-9, as well